

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PATRICK JOSEPH CHAREST, #182 262 *
Plaintiff, *
v. * 2:07-CV-984-MHT
SIDNEY WILLIAMS, *et al.*, *
Defendants. *

ORDER ON MOTION

Plaintiff filed a pleading May 7, 2008 which the court construes as containing a motion to strike and/or exclude Defendants' special report and/or certain portions thereof. In support of the motion, Plaintiff contends, among other things, that a defendant's affidavit does not conform to the requirements of Rule 56(e), *Federal Rules of Civil Procedure*, and that the affidavits of Defendants constitute inadmissible secondhand hearsay.

Plaintiff's pending motion shall be denied. Striking Defendants' special report and supporting evidentiary material or any parts thereof based on Petitioner's contention that some or all of such material is erroneous, prejudicial, and/or not filed in conformance with the *Federal Rules of Civil Procedure* would be inappropriate. When the instant case is before the undersigned for review and disposition, the court will, at that time, make its findings of fact and conclusions of law. Such will be based on the pleadings filed herein, including any disputed materials as well as the admissibility of such materials, which shall be reviewed and evaluated with respect to the relevant issues before the court. Accordingly, it is

ORDERED that the second motion to strike and/or exclude Defendants' special report and/or certain portions thereof (*Doc. No. 70*) be and is hereby DENIED.

DONE, this 8th day of May 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE